

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERNESTO SANTIAGO,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendants.

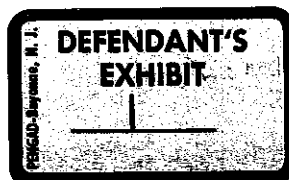
C.A. No. 04-335E  
Judge McLaughlin  
Magistrate Judge Baxter

DECLARATION OF MICHAEL D. TAFELSKI

1. I, Michael D. Tafelski, do hereby declare that I am the Deputy Regional Counsel, Northeast Regional Office, Federal Bureau of Prisons (BOP), Philadelphia, Pennsylvania. I have been in this position since May 1997.

2. I am familiar with the litigation activities of the Plaintiff in this matter, FCI McKean inmate Ernesto Santiago, Reg. No. 90304-038. I am also familiar with the administrative remedy process of the BOP and have access to documents maintained in the ordinary course of business with the BOP.

3. The BOP has established an administrative remedy procedure through which inmates can seek formal review of any complaint regarding any aspect of his imprisonment. Program Statement No. 1330.13, Administrative Remedy Program is available at [www.bop.gov](http://www.bop.gov). In order to exhaust appeals under the Administrative Remedy Procedures for Inmates, except for limited exceptions, including the appeal of a disciplinary action or sensitive issue, an inmate must first



raise his complaint to the Warden of the institution where he is confined. An appeal of this decision may be made in turn to the Regional Director and to the Central Office of the Federal Bureau of Prisons. 28 C.F.R. § 542.10, et. seq. No administrative remedy appeal is considered to have been finally exhausted until considered by the Bureau of Prisons Central Office.

4. With regard to a "sensitive issue", an inmate may submit a request when the "inmate reasonably believes the issue is sensitive and the inmate's safety or well-being would be placed in danger if the Request became known at the institution ..." 28 C.F.R. § 542.14(d)(1). After such an appeal is received in the Regional Office, a determination is made as to whether the remedy meets the high standard and therefore is accepted or is more appropriately filed at the institution and thus rejected. If rejected, the inmate is advised to resubmit his remedy at the institution level.

5. As noted above, the formal Administrative Remedy program generally has three levels. The first level, filed at the institution, is called a "Request for Administrative Remedy" and is commonly referred to as a BP-9. On SENTRY (the BOP's computer system), it is noted by the Remedy Number ending with a "-F1" (or "-F2" if the first one was rejected and the inmate refiled). The second level, filed at the Regional Office, is called a "Regional Administrative Remedy Appeal" and is commonly referred to as a BP-10. On SENTRY, it is noted by the Remedy Number ending with a "-R1". The third and final level, filed at the Central Office, is called a "Central Office Administrative Remedy Appeal" and is commonly referred to as a BP-11. On SENTRY, it is noted by the Remedy Number ending with a "-A1".

6. At each level of the administrative remedy process, an initial review of the inmate's submission is conducted to determine if it meets the criteria established by the federal regulations (28 C.R.F. §542.14). For example, each remedy is reviewed to determine if it is submitted to the proper level within the allotted time containing only one issue on the correct number of pages. If a remedy does not meet each of these requirements, it will be rejected and returned to the inmate with an explanation for the rejection. Each reason for a rejection has a specific code. A partial list of rejection codes (those relevant to the remedies filed by the Plaintiff) is attached as Exhibit 1.

7. I am aware that BOP institutions, including FCI McKean, generally require an inmate to file an Informal Resolution Form (commonly referred to as a BP-8) to Unit Team staff prior to initiating the formal administrative remedy process. The filing of the Informal Resolution Form assists in resolving issues at the earliest and most appropriate level. As of August 26, 2005, FCI McKean had in place an institution supplement which establishes the requirements and accountability for processing Informal Resolution Forms at FCI McKean. The Institution Supplement details the procedures in place to assist inmates in accessing, filing, resolving, and appealing administrative remedies. For example, the Institution Supplement indicates that if a BP-8 can not be resolved, the inmate should be provided a Request for Administrative Remedy form (BP-9). A copy of the Institution Supplement is attached as Exhibit 2.

8. I have reviewed the computerized indexes of all 36 administrative remedies filed by Petitioner while in the custody of the BOP at FCI McKean. The BOP is not required to maintain

copies of rejected administrative remedies. Attached as Exhibit 3 is the sanitized, computerized print out of each Administrative Remedy filed by the Plaintiff since his arrival at FCI McKean.

9. This review indicates that Plaintiff has successfully filed a number of administrative remedies at each level of the process. It also indicates that he has had a number of remedies rejected for not filing in accordance with the requirements related to filing at the proper level or with the proper attachments.

10. I have also reviewed SENTRY and determined that on or about October 5, 2005, the Plaintiff was found to have committed the BOP's prohibited act of engaging in or encouraging a group demonstration by his actions of making copies of a letter telling other inmates not to attend lunch on February 10, 2005. I am aware that the Plaintiff has filed a Regional Administrative Remedy Appeal (Appeal No. 392443-R1) which is pending. A response is due on or before November 18, 2005.

11. I am also aware that as of at least November 8, 2005, the Plaintiff has been assigned a new Unit Manager. I am also aware that as of November 9, 2005, the Law Library in the Special Housing Unit at FCI McKean contains a storage locker, with padlock accessible by the Unit Officer. This locker will be used by the Education Department to store documents requested by SHU inmates from the Main Law Library. Each inmate's request will be placed in an individual folder, placed in the locker, and secured until retrieved by the Housing Unit Officer for delivery to the inmate.

12. The Plaintiff was placed in the Special Housing Unit at FCI McKean on Administrative Detention status on March 10, 2005. This placement precipitated by his actions referenced in paragraph 10 above of engaging in or encouraging a group demonstration by his actions of making copies of a letter telling other inmates not to attend lunch on February 10, 2005. A copy of the Administrative Detention Order issued to the Plaintiff on that date is attached as Exhibit 4.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: November 15, 2005

A handwritten signature in black ink, appearing to read "Michael D. Tatefski", written over a horizontal line.

Michael D. Tatefski  
Deputy Regional Counsel  
Northeast Regional Office  
Federal Bureau of Prisons

# **EXHIBIT 1**

**STATUS REASON TABLE**

(Partial list compiled from TRM 1301.02,  
October 3, 1997, Part 2, Section E)

<u>STATUS CODE</u>	<u>REASON CODE</u>	<u>DESCRIPTION</u>
REJ	DHR	YOU MUST WAIT FOR THE DHO'S DECISION OF THE DHO HEARING BEFORE YOU MAY APPEAL TO THE REGIONAL OFFICE. RESUBMIT YOUR APPEAL TO THIS OFFICE WITHIN 20 DAYS OF THE DATE YOU RECEIVE THE DHO'S DECISION.
REJ	INF	YOU DID NOT ATTEMPT INFORMAL RESOLUTION PRIOR TO SUBMISSION OF ADMINISTRATIVE REMEDY, OR YOU DID NOT PROVIDE THE NECESSARY EVIDENCE OF YOUR ATTEMPT AT INFORMAL RESOLUTION.
REJ	INS	YOU MUST FIRST FILE A BP-9 REQUEST THROUGH THE INSTITUTION FOR THE WARDEN'S REVIEW AND RESPONSE BEFORE FILING AN APPEAL AT THIS LEVEL.
REJ	ONE	YOU MAY ONLY SUBMIT UP TO ONE LETTER-SIZE (8 1/2" X 11") CONTINUATION PAGE.
REJ	OTH	SEE REMARKS.
REJ	RSA	YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN 15 DAYS OF THE DATE OF THIS REJECTION NOTICE.
REJ	RSF	YOU MAY RESUBMIT YOUR REQUEST IN PROPER FORM WITHIN 5 DAYS OF THE DATE OF THIS REJECTION NOTICE.
REJ	RSR	YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN 10 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REJ        SEN        THE ISSUE YOU RAISE IS NOT A SENSITIVE ISSUE.  
YOUR REQUEST/APPEAL IS NOT BEING RETURNED TO  
YOU IN ACCORDANCE WITH POLICY.

REJ        WRL        YOU SUBMITTED YOUR REQUEST OR APPEAL TO THE  
WRONG LEVEL OR WRONG OFFICE.



## **EXHIBIT 2**



U.S. Department of Justice  
Federal Bureau of Prisons  
Federal Correctional Institution  
McKean, PA 16701

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## Institution Supplement

OPI: Camp Administrator/Executive Assistant

NUMBER: 1330.13b

DATE: August 26, 2005

**SUBJECT: ADMINISTRATIVE REMEDY PROCEDURES FOR INMATES**

1. **PURPOSE:** Administrative Remedy Procedures at the Federal Correctional Institution (FCI), and the Federal Prison Camp (FPC), McKean will be established through this Supplement.
2. **DIRECTIVES AFFECTED:**
  - a. Directive Rescinded:  
I.S. 1330.13, Administrative Remedy Procedures for Inmates, dated September 30, 2004.
  - b. Directive Referenced:  
P.S. 1330.13, Administrative Remedy Procedures for Inmates
3. **RESPONSIBILITIES:** The Camp Administrator/Executive Assistant is the coordinator of the Administrative Remedy Program.

The Warden's Secretary is designated as the Administrative Remedy Clerk.

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**DISTRIBUTION:**

Master File  
Executive Staff  
Department Heads  
AFGE Local

## MCK 1330.13b - ADMINISTRATIVE REMEDY PROCEDURES FOR INMATES

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**4. PROCEDURES FOR FILING:****Informal Resolution Procedures:**

- a. The Correctional Counselor shall have the primary responsibility of coordinating the Administrative Remedy process in the informal resolution stage. When a Correctional Counselor is unavailable or is the subject of the informal resolution, the Unit Manager will assign another unit staff member to attempt informal resolution. Before the Correctional Counselor or other unit staff member provides an inmate with an Administrative Remedy Form, (BP-229), ordinarily informal resolution must first be attempted by the inmate presenting his issue to his Correctional Counselor. The Correctional Counselor will act as the liaison between the inmate and staff in an effort to resolve the concerns. In the informal resolution process, Correctional Counselors will assign tracking numbers prior to providing an inmate a copy of Attachment A. The inmate will complete section (1) with a clearly stated, one or two sentence statement of their concern. Section (2) will contain a specific request for relief. In the informal resolution process, Correctional Counselors will document the efforts taken by the Correctional Counselor, inmate, and other staff by completing the Informal Resolution Form (Attachment A). The Unit Manager will review and sign Attachment A, certifying that good faith efforts were attempted to resolve the inmate's complaint. Correctional Counselors and other staff are granted a high degree of discretion in creating informal resolutions to inmate complaints. The Correctional Counselor will document in detailed summary any proposed resolutions presented to the inmate. Ordinarily, the informal resolution will be completed within seven (7) calendar days.
- b. If a complaint is informally resolved, the inmate will date and sign the Informal Resolution Form, thereby indicating his satisfaction and agreement with the efforts of staff regarding his complaint. The agreed upon resolution must be clearly stated on the Informal Resolution Form. The Informal Resolution Form will be retained by the Correctional Counselor for future reference. The inmate may be given a copy of the informal resolution if requested.
- c. An Administrative Remedy Log will be maintained by each unit. Each Administrative Remedy form and Informal Resolution form issued by the Counselor will be recorded on Attachment B.
- d. If the Correctional Counselor and the inmate are unsuccessful in their attempts at informal resolution, the Correctional Counselor shall then issue the inmate an Administrative Remedy Form (BP-229). Once reviewed by the Unit Manager, unit staff shall hand deliver this form, along with the Informal Resolution Form, to the office of the Administrative Remedy Clerk, on the same day, excluding weekends and holidays.
- e. Inmates are not required to attempt informal resolution of a UDC action. If an Inmate appeals a UDC action, the Correctional Counselor will forward the entire

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UDC packet and other documents used in the UDC hearing to the Administrative Remedy Clerk together with the inmate's appeal.

**Filing the Request for Administrative Remedy** - The procedure, as indicated below, should be followed in order to ensure accurate and expedient handling of Requests for Administrative Remedies.

- a. The Administrative Remedy Clerk shall date all remedies upon receipt. Once an Administrative Remedy has been logged into SENTRY, a SENTRY receipt will automatically be generated. The Unit Secretary will check SENTRY daily. All receipts will be printed by the Unit Secretary and routed daily to the inmate. Once printed, the receipt can be deleted by the Unit Secretary.
- b. The Administrative Remedy Clerk or Coordinator will send a request for investigation to a department head through their supervisor. The Administrative Remedy Coordinator may, at his/her discretion, assign a staff member of another department to investigate a specific allegation. The assigned investigator will conduct an investigation into the inmate's complaint. Each investigation will be due within seven (7) working days upon receipt.
- c. Upon completion of the investigation and response preparation, the staff member will provide a copy of the response and the investigative report, along with any additional documents supporting the investigation, will be returned to the Administrative Remedy Clerk.
- d. After review by the Clerk and appropriate Associate Warden, the draft response will be forwarded to the Administrative Remedy Coordinator for review. The assigned investigator will type the final response for the Warden's signature.
- e. Any requests for extension of time to complete an investigation on a Request for Administrative Remedy, must be approved by the Administrative Remedy Coordinator. Requests for extension shall be the responsibility of the Department Head.
- f. The final signed response to the inmate will be routed through regular institution mail.
- g. If an inmate wishes to withdraw his Administrative Remedy and stop all action on his complaint, he must state so in writing. The inmate should contact his respective Correctional Counselor. The inmate should write a statement on the BP-229 issued indicating he no longer desires to pursue his complaint and requests withdrawal of his Administrative Remedy. The inmate should date and sign his name under his statement. The inmate's signature should be witnessed by at least one (1) staff member, who shall likewise date and sign the withdrawal statement. All copies of the Administrative Remedy Form, will be filed by the Administrative Remedy Clerk.

**Administrative Remedy Appeals:** In the event an Inmate is dissatisfied with the

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response he receives to an Administrative Remedy, appeal forms to the Regional Office (BP-230) or the Central Office (BP-231) may be obtained from the Correctional Counselor.

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James F. Sherman, Warden

MCK 1330.13b  
August 26, 2005  
Attachment A

REQUEST FOR ADMINISTRATIVE REMEDY  
INFORMAL RESOLUTION FORM

Bureau of Prisons' Program Statement 1330.13, Administrative Remedy Procedures for Inmates, states, "before an inmate seeks formal review of a complaint he must try to resolve the complaint informally by presenting it to a staff member." The staff member must also try to resolve the complaint "informally" before the inmate will be given an Administrative Remedy Form.

INFORMAL RESOLUTION NUMBER: \_\_\_\_\_

INMATE'S NAME: \_\_\_\_\_ NO. \_\_\_\_\_ UNIT \_\_\_\_\_

1. Specific Complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Relief Requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Date/Time Complaint received from inmate: \_\_\_\_\_

4. Date/Time Informally discussed with inmate: \_\_\_\_\_

5. Staff Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Date Administrative Remedy provided: \_\_\_\_\_

7. Informal Resolution was / was not accomplished.

\_\_\_\_\_  
Inmate's Signature/Register No.

\_\_\_\_\_  
Date

\_\_\_\_\_  
STAFF MEMBER'S NAME & TITLE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
UNIT MANAGER'S SIGNATURE

\_\_\_\_\_  
DATE

The Unit Manager, by signing above, certifies that good faith efforts were attempted to resolve this inmate's complaint.

DISTRIBUTION: If complaint is informally resolved before being receipted, Correctional Counselors shall maintain informal resolution form for future reference. If complaint is not informally resolved, forward original resolution form, attached to administrative remedy, to the Administrative Remedy Clerk.

## UNIT -

[illegible]

FCI McKean  
BP-229 Investigative Materials

Investigator:

Date:

Person(s) Interviewed:

Summary of Interview:

Policy Referenced:

Additional Pertinent Information:

Signature of Investigator:

The information and any notes that you may wish to attach will be retained by the Associate Wardens' Secretary to assist if additional information is needed for regional or national appeals.

On appeals of disciplinary committee actions, you must document consideration of the following:

- a. Whether there was substantial compliance with regulations on inmate discipline;
- b. Whether decisions are based upon substantial evidence;
- c. Whether the sanction was in accordance with the disciplinary severity scale;
- d. Provide a copy of the incident report and investigation with the written response.



## **EXHIBIT 3**

NERFL \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 11-15-2005  
PAGE 001 OF 001 14:43:06  
FUNCTION: L-P SCOPE: REG EQ 90304-038 OUTPUT FORMAT: SAN  
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DT RCV: FROM 05-25-2001 THRU 12-31-2001 DT STS: FROM \_\_\_\_\_ THRU \_\_\_\_\_  
DT STS: FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS BEFORE "OR" FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS AFTER DT RDU  
DT TDU: FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS BEFORE "OR" FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS AFTER DT TRT  
STS/REAS: \_\_\_\_\_  
SUBJECTS: \_\_\_\_\_  
EXTENDED: \_\_\_\_\_ REMEDY LEVEL: \_\_\_\_\_ RECEIPT: \_\_\_\_\_ "OR" EXTENSION: \_\_\_\_\_  
RCV OFC : EQ \_\_\_\_\_  
TRACK: DEPT: \_\_\_\_\_  
PERSON: \_\_\_\_\_  
TYPE: \_\_\_\_\_  
EVNT FACL: EQ \_\_\_\_\_  
RCV FACL.: EQ \_\_\_\_\_  
RCV UN/LC: EQ \_\_\_\_\_  
RCV QTR.: EQ \_\_\_\_\_  
ORIG FACL: EQ \_\_\_\_\_  
ORG UN/LC: EQ \_\_\_\_\_  
ORIG QTR.: EQ \_\_\_\_\_

G5102

NO DATA WAS SELECTED FOR THE ABOVE SELECTION CRITERIA

NERFL                    \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \*                    11-15-2005  
PAGE 001 OF                    14:45:21  
FUNCTION: L-P SCOPE: REG    EQ 90304-038                    OUTPUT FORMAT: SAN  
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DT RCV: FROM 01-01-2002 THRU 12-31-2002 DT STS: FROM                    THRU  
DT STS: FROM                    TO                    DAYS BEFORE "OR" FROM                    TO                    DAYS AFTER DT RDU  
DT TDU: FROM                    TO                    DAYS BEFORE "OR" FROM                    TO                    DAYS AFTER DT TRT  
STS/REAS:                     
SUBJECTS:                     
EXTENDED:    REMEDY LEVEL:                    RECEIPT:                    "OR" EXTENSION:                     
RCV OFC : EQ                     
TRACK: DEPT:                     
PERSON:                     
TYPE:                     
EVNT FACL: EQ                     
RCV FACL.: EQ                     
RCV UN/LC: EQ                     
RCV QTR.: EQ                     
ORIG FACL: EQ                     
ORG UN/LC: EQ                     
ORIG QTR.: EQ                   

G0002

MORE PAGES TO FOLLOW . . .

NERFL \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 11-15-2005  
PAGE 002 OF 002 \* SANITIZED FORMAT \* 14:45:21

REMEDY-ID	SUBJ1/SUBJ2	-----ABSTRACT-----			
	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
271218-F1	34ZM/26BM MCK	STAFF COMPLAINT/REC'D INADEQUATE MCK	06-24-2002	CLD	MEDICAL TREATMENT 07-12-2002
271218-R1	34ZM/26BM NER	STAFF COMPLAINT/REC'D INADEQUATE MCK	07-29-2002	REJ	MEDICAL TREATMENT 08-02-2002
271218-R2	34ZM/26BM NER	STAFF COMPLAINT/REC'D INADEQUATE MCK	08-13-2002	CLD	MEDICAL TREATMENT 09-10-2002
271218-A1	26BM/34ZM BOP	STAFF COMPLAINT/REC'D INADEQUATE MCK	10-09-2002	CLD	MEDICAL TREATMENT 11-13-2002

60000 4 REMEDY SUBMISSION(S) SELECTED  
TRANSACTION SUCCESSFULLY COMPLETED

NERFL                    \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \*                    11-15-2005  
PAGE 001 OF                    14:45:32  
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DT STS: FROM                    TO                    DAYS BEFORE "OR" FROM                    TO                    DAYS AFTER DT RDU  
DT TRJ: FROM                    TO                    DAYS BEFORE "OR" FROM                    TO                    DAYS AFTER DT TRT  
STS/REAS:                     
SUBJECTS:                     
EXTENDED:                    REMEDY LEVEL:                    RECEIPT:                    "OR" EXTENSION:                     
RCV OFC : EQ                     
TRACK: DEPT:                     
PERSON:                     
TYPE:                     
EVNT FACL: EQ                     
RCV FACL.: EQ                     
RCV UN/LC: EQ                     
RCV QTR.: EQ                     
ORIG FACL: EQ                     
ORIG UN/LC: EQ                     
ORIG QTR.: EQ                   

G0002                    MORE PAGES TO FOLLOW . . .

NERFL \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 11-15-2005  
PAGE 002 OF 002 \* SANITIZED FORMAT \* 14:45:32

REMEDY-ID	SUBJ1/SUBJ2	-----ABSTRACT-----			
	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
317893-F1	26BM/ MCK	INADEQUATE CARE FOR MEDICAL CONDITION (LIP) MCK	11-25-2003	REJ	11-28-2003
317893-F2	26BM/ MCK	INADEQUATE CARE FOR MEDICAL CONDITION (LIP) MCK	12-09-2003	CLD	12-31-2003
320147-F1	21AM/ MCK	APPEAL UDC SANCTION / 12-12-2003, CODE 317 MCK	12-14-2003	CLD	01-06-2004

60000 3 REMEDY SUBMISSION(S) SELECTED  
TRANSACTION SUCCESSFULLY COMPLETED

NERFL                    \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \*                    11-15-2005  
PAGE 001 OF                    14:45:41  
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DT RCV: FROM 01-01-2004 THRU 12-31-2004 DT STS: FROM                    THRU  
DT STS: FROM                    TO                    DAYS BEFORE "OR" FROM                    TO                    DAYS AFTER DT RDU  
DT TDU: FROM                    TO                    DAYS BEFORE "OR" FROM                    TO                    DAYS AFTER DT TRT  
STS/REAS:                     
SUBJECTS:                     
EXTENDED:    REMEDY LEVEL:                    RECEIPT:                    "OR" EXTENSION:                     
RCV OFC : EQ                     
TRACK: DEPT:                     
PERSON:                     
TYPE:                     
EVNT FACL: EQ                     
RCV FACL.: EQ                     
RCV UN/LC: EQ                     
RCV QTR.: EQ                     
ORIG FACL: EQ                     
ORG UN/LC: EQ                     
ORIG QTR.: EQ                   

G0002

MORE PAGES TO FOLLOW . . .

NERFL \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 11-15-2005  
PAGE 002 OF 002 \* SANITIZED FORMAT \* 14:45:41

REMEDY-ID	SUBJ1/SUBJ2	-----	ABSTRACT-----		
	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
317893-R1	26BM/ NER	INADEQUATE CARE FOR MEDICAL CONDITION (LIP) MCK	01-13-2004	CLD	02-12-2004
320147-R1	21AM/ NER	APPEAL UDC SANCTION / 12-12-2003, CODE 317 MCK	01-26-2004	CLG	02-24-2004
324628-F1	26BM/ MCK	REQUEST VARIOUS CULTURE TESTS/INADEQUATE MED CARE MCK	02-13-2004	REJ	02-13-2004
324628-F2	26BM/ MCK	REQUEST VARIOUS CULTURE TESTS/INADEQUATE MED CARE MCK	02-18-2004	CLD	03-02-2004
317893-A1	26BM/ BOP	INADEQUATE CARE FOR MEDICAL CONDITION (LIP) MCK	03-08-2004	REJ	03-08-2004
317893-A2	26BM/ BOP	INADEQUATE CARE FOR MEDICAL CONDITION (LIP) MCK	03-30-2004	CLD	06-02-2004
332585-F1	33GM/ MCK	REQUEST TO RETAIN LEGAL DOCUMENTS MCK	04-23-2004	CLD	05-12-2004
332585-R1	33GM/ NER	REQUEST TO RETAIN LEGAL DOCUMENTS MCK	05-24-2004	CLD	06-22-2004
337602-F1	31ZM/ MCK	RECALCULATE GOOD CONDUCT TIME MCK	06-09-2004	CLD	06-24-2004
337602-R1	31ZM/ NER	RECALCULATE GOOD CONDUCT TIME MCK	07-13-2004	CLD	08-09-2004
332585-A1	33GM/ BOP	REQUEST TO RETAIN LEGAL DOCUMENTS MCK	07-19-2004	CLO	01-19-2005
337602-A1	31ZM/ BOP	54 DAY GCT ISSUE (WHITE DECISION) MCK	08-23-2004	CLD	10-20-2004

G0000 12 REMEDY SUBMISSION(S) SELECTED  
TRANSACTION SUCCESSFULLY COMPLETED



G0002            MORE PAGES TO FOLLOW . . .

NERFL  
PAGE 002 OF

\*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \*  
\* SANITIZED FORMAT \*

11-15-2005  
14:46:01

REMEDY-ID	SUBJ1/SUBJ2	-----ADSTRACT-----			
	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
377258-R1	22ZS/34ZS NER	STAFF COMPLAINT RE: SHU MCK	05-18-2005	REJ	05-24-2005
377655-F1	22AS/ MCK	SHU PLACEMENT/RELEASE MCK	05-19-2005	CLD	06-14-2005
377655-R1	22AS/ NER	SHU PLACEMENT/RELEASE MCK	06-29-2005	CLD	07-26-2005
384261-F1	33AS/34ZS MCK	SHU LAW LIBRARY BOOKS & MCK	07-27-2005	REJ	08-02-2005
384261-F2	33AS/34ZS MCK	SHU LAW LIBRARY BOOKS & MCK	08-12-2005	REJ	08-23-2005
377655-A1	22AS/ BOP	SHU PLACEMENT/RELEASE MCK	08-15-2005	CLD	10-25-2005
387543-R1	33HS/ NER	NO RESPONSES TO BP-8'S MCK	08-31-2005	REJ	09-02-2005
387545-R1	33FS/34AS NER	LEGAL MAIL INSPECTED OUT OF MCK	08-31-2005	REJ	09-02-2005
384261-R1	33AS/34ZS NER	SHU LAW LIBRARY BOOKS & MCK	08-31-2005	REJ	09-02-2005
384261-A1	33AS/34ZS BOP	SHU LAW LIBRARY BOOKS & MCK	09-26-2005	REJ	09-28-2005
392443-R1	20DS/ NER	APPEALS 10-05-05 DHO FOR 212 MCK	10-19-2005	ACC	10-19-2005
392819-R1	21AS/ NER	APPEALS 10/20/05 UDC ACTION FOR 307 MCK	10-21-2005	REJ	10-25-2005
384261-F3	33AS/34ZS MCK	SHU LAW LIBRARY BOOKS & MCK	10-21-2005	ACC	11-04-2005
387545-F1	33FS/34AS MCK	LEGAL MAIL INSPECTED OUT OF MCK	10-21-2005	CLO	11-10-2005
393984-F1	33HS/34ZS MCK	STAFF APOLOGY/RESPONSES TO BP-8S & BP-9S REQUEST MCK	10-21-2005	CLD	11-09-2005
393989-F1	33FM/ MCK	POLICY ON MAILING OUT LEGAL MAIL MCK	10-21-2005	ACC	11-04-2005

G0002 MORE PAGES TO FOLLOW . . .

NERFL \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 11-15-2005  
PAGE 003 OF 003 \* SANITIZED FORMAT \* 14:46:01

REMEDY-ID	SUBJ1/SUBJ2	-----ABSTRACT-----			
	RCV-OFC	RCV-FACL	DATE-RCV	STATUS	STATUS-DATE
394021-F1	21AS/ MCK	APPEAL UDC / MCK	10-20-2005, CODE 307 11-01-2005	ACC	11-04-2005

17 REMEDY SUBMISSION(S) SELECTED

G0000 TRANSACTION SUCCESSFULLY COMPLETED

## **EXHIBIT 4**

11/03/2005 15:50 8143636822  
 11/04/2005 15:24 8143636850

FCI MCKEAN  
 CORR SVC

PAGE 02  
 PAGE 01

BP-308.052  
 U.S. DEPARTMENT OF JUSTICE

**ADMINISTRATIVE DETENTION ORDER**

CDERMAY 94  
 FEDERAL BUREAU OF PRISONS

FCI MCKEAN, PENNSYLVANIA

Institution

Date/Time: 03-10-2005/ 1200AM

TO : Special Housing Unit Officer

FROM : R. THOMPSON / LEUTENANT (Name/Title)

SUBJECT : Placement of SANTIAGO UNIT D-A1, Reg. No. 90304-038, in Administrative Detention

- ☐ (a) Is pending a hearing for a violation of Bureau regulations;  
☒ (b) Is pending investigation of a violation of Bureau regulations;  
☐ (c) Is pending investigation or trial for a criminal act;  
☐ (d) Is to be admitted to Administrative Detention  
☐ (1) Since the inmate has requested admission for protection;

I hereby request placement in Administrative Detention for my own protection.

Inmate Signature/Register No.: \_\_\_\_\_

Staff Witness Printed Name Signature: \_\_\_\_\_

- ☐ (2) Since a serious threat exists to individual's safety as perceived by staff, although person has not requested admission; referral of the necessary information will be forwarded to the UDC/DHO for appropriate hearing.
- ☐ (e) Is pending transfer or is in holdover status during transfer.  
☐ (f) Is pending classification; or  
☐ (g) Is terminating confinement in Disciplinary Segregation and has been ordered into Administrative Detention by the Warden's designee.

It is this officer's decision based on all the circumstances that the above named inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security or orderly running of the institution because\*

**YOU ARE BEING PLACED IN ADMINISTRATIVE DETENTION PENDING AN SIS INVESTIGATION FOR ENCOURAGING A GROUP DEMONSTRATION.**

Therefore, the above named inmate is to be placed in Administrative Detention until further notice. The inmate received a copy of this Order on (date / time): 03-10-2005/1200AM.

Staff Witness Signature/Printed Name: R. DORIAN / LEUTENANT Date 03-10-2005

\*In the case of DHO action, reference to that order is sufficient. In other cases, the officer will make an independent review and decision, which is documented here.

Record Copy - Inmate Concerned (not necessary if placement is a result of holdover status); Copy - Captain; Copy - Unit Manager;  
 Copy - Operation Supervisor - Administrative Detention Unit; Copy - Central File

(This form may be replicated via WP)

Replaces BP-308(52) of JAN 88